

# The English Chase Landowners Association, Inc.

## Constitution and By-Laws

### ARTICLE I

#### NAME:

The name of this organization shall be "The English Chase Landowners Association, Inc.," Hereafter referred to as the "Association".

### ARTICLE II

#### PURPOSE:

To be an incorporated non-profit landowners association, uniting the landowners of The English Chase, Marshall, Virginia for the purpose of:

1. Maintain and improve the "private roads" (Woodward Road and Grasslands Court) belonging to landowners having lot frontage on the "private roads."
2. To facilitate any appropriate projects a majority of those present at an official meeting vote to undertake.

### ARTICLE III

#### MEMBERSHIP AND VOTING:

- **Section 1.** Owners of recorded lots in The English Chase are automatically members of the Association.
- **Section 2.** Members of the Association have "one vote" for each recorded lot owned.
- **Section 3.** The election of all Board of Directors of the Association shall be conducted by "written ballot" at the annual meeting during the month of March.
- **Section 4.** Any member of the Association having past-due-debts to the Association shall forfeit their vote(s) at any annual or Special Association meetings of the Association until the debts to the Association are paid in full.

### ARTICLE IV

#### BOARD OF DIRECTORS (BOARD):

- **Section 1.** The Board shall be comprised of "7" directors.
- **Section 2.** Any member of the Association shall be eligible to serve as a director on the Board.
- **Section 3.** No more than one owner from a given "recorded lot" may serve on the Board at the same time.
- **Section 4.** Board members shall be eligible to serve in the following capacities:
  - o President
  - o Vice-President
  - o Treasurer
  - o Secretary

Officers shall be determined by the Board at a brief Board meeting immediately following the conclusion of business at the annual meeting.

- **Section 5.** When a duly-appointed officer of the Association is unable to assume or carry out the responsibilities of (his or her) office, the Board shall appoint another Director to the office who shall serve until the appointed term has expired.
- **Section 6.** Vacancies on the Board shall be filled by special election at the next Association meeting.

#### ARTICLE V

##### TERMS OF OFFICE FOR BOARD:

- **Section 1.** For the first annual election three (3) of the directors will be elected for a term of two (2) years and four (4) directors for a term of one (1) year. Thereafter, directors shall be elected each year to serve for a term of two (2) years. No director shall receive compensation for (his or her) services as a Director.
- **Section 2.** For the first annual election the two year terms of office shall be filled by the three (3) candidates receiving the most votes, the remaining one year terms shall be filled by the candidates receiving the next highest number of votes.

#### ARTICLE VI

##### ELECTION OF BOARD OF DIRECTORS:

- **Section 1.** Prospective candidates for Board positions shall, with their approval, appear on a printed ballot for a membership vote at a meeting of the Association.
- **Section 2.** Prospective Board members may be nominated, with their approval, at the meeting and be a "write-in" candidate on the "printed ballot".
- **Section 3.** Thereafter, candidates receiving the most votes will be elected.

#### ARTICLE VII

##### MEETINGS:

- **Section 1.** The Association shall hold an annual meeting during the month of March each year.
- **Section 2.** Members of the Association shall be informed of the annual meeting by at least 14 days prior to the published date of the annual meeting.
- **Section 3.** The Board may call a special Association meeting when they consider it advisable provided they give members by mail at least 14 days prior notice to the published date of the special meeting.
- **Section 4.** A Board meeting will be held immediately following the conclusion of business at the annual meeting.
- **Section 5.** The President may call any number of special Board meetings that he or she considers advisable.
- **Section 6.** A meeting of the Board may be called by any 3 directors who petition the Secretary in writing to notify the remainder of the Board available of the time and place of such meeting.
- **Section 7.** The Secretary shall make reasonable efforts to contact all Directors regarding special Board meetings, but no Board action shall be invalid as a result of the failure to notify an individual after such reasonable efforts were made.

#### ARTICLE VIII

- **Section 2.** The annual road maintenance assessment shall be levied only against those Association members having a lot frontage on the private roads (Woodward Road and Grasslands Court.) The maximum annual road maintenance assessment shall not exceed One Hundred Fifty (\$1 50.00) per recorded lot unless the Association members paying the Assessment by a favorable two-thirds (2/3) majority of the eligible votes case sets a higher limit on the annual road maintenance assessment.
- **Section 3.** All assessments shall be paid within 30 days of the annual meeting.
- **Section 4.** \*\* Any landowner suffering financial hardship must submit to the ECLA a written request within 15 days of receiving the Dues Mailing for consideration of a payment plan.
- **Section 5.** \*\*Any landowner not in good standing in the ECLA on day 31 shall be contacted via registered certified letter.
- **Section 6.** \*\*On day 31 of non-payment of the ECLA, a 5% penalty will be assessed against the landowner.
- **Section 7.** \*\*For any assessment not paid within 45 days of receiving the Dues Mailing, the ECLA Board Treasurer will contact the ECLA attorney to institute a lien against the lot owner. Any and all legal expenses will be charged to the landowner and not to the ECLA.
- **Section 8.** \*\*In order to become an ECLA member in good standing, the delinquent payment must include any and all late fees along with any and all legal fees paid.
- **Section 9.** The Board shall have the authority to do the following:
  - a. Determine and collect the annual assessment.
  - b. Maintain an Association PO Box .
  - c. Establish an Association checking account to deposit all Association funds and disperse funds to cover Association debts.
  - d. Establish an Association savings account to deposit other than immediately needed Association funds.
  - e. Acquire necessary insurance for Board and Association.
  - f. Endorse checks for Association debts with signatures in the following combination: President and Treasurer, Vice-President and Treasurer, or President and Vice-President.
  - g. Use Association annual dues to cover clerical, postage and other miscellaneous costs in carrying out official Association business. These type of expenditures should not exceed One Hundred Dollars (\$1 00.00) per item without approval by the Board.
  - h. Expend necessary funds to keep the private roads (Woodward Road and Grasslands Court) in good condition and passable year round.
  - i. Expend road maintenance assessment funds to keep the private roads (Woodward Road and Grasslands Court) properly marked and regulated.
  - j. Devise a budget to determine Association expenses for the coming year and aid in setting dues and assessments at the annual meeting. The budget for the coming year will be considered and approved at the annual meeting. A printed budget will be required for conduct of Association financial business during the year. (The initial year of the Association is exempted from this requirement and will be addressed in the Association year-end audit.)
  - k. **Evaluate the findings of a duly-formed committee per Article IX of the ECLA By-Laws and, if a simple majority of the Board recommends it to the ECLA Community, bring it to the ECLA Community for a vote by Special Meeting, E-Vote, or Annual Community Meeting, whichever is most expedient and appropriate, for the purpose of levying a Special Assessment.**

DUTIES OF OFFICERS:

- **Section 1.** President: Preside at Association functions, chair Board and all meetings of the Association.
- **Section 2.** Vice-President: Assume the responsibilities of the President in the absence of the President.
- **Section 3.** Secretary: Record all minutes and send notices of meetings and proposed changes in Constitution and By-Laws.
- **Section 4.** Treasurer: Record financial information and keep membership roll. All assessments are paid to the Treasurer. A financial report will be made to the membership at the annual meeting.
- **Section 5.** Director: participate and vote at Board meetings and help conduct and run the business of the Association. One of the directors shall be appointed Association Parliamentarian.

**ARTICLE IX**

STANDING COMMITTEES:

- **Section 1.** The Association shall have the following committees:
  - a. Road improvement and maintenance
  - b. Audit
  - c. Informational directory
  - d. Nominations committee
- **Section 2.** The Board may establish, delete or discontinue committees as conditions warrant.
- **Section 3.** The Board shall appoint committee chairmen.
- **Section 4.** Committee make-up shall be regulated by the Board. Committee size will be set according to the task to be completed.

**ARTICLE X**

AMENDMENTS:

Amendments to this constitution may be initiated by the process of submitting a written proposal to the Association Secretary. Amendments will be mailed to the membership for their consideration at the next annual or special meeting. An amendment will be adopted with a favorable two-thirds (2/3) of those votes cast at the next annual or special meeting of the Association.

**ARTICLE XI**

DUES, ASSESSMENTS & FISCAL PREROGATIVES:

- **Section 1.** The annual dues for all Association members will be ten dollars (\$10.00) per member\* unless the Association by a favorable two-thirds (2/3) majority of the votes cast sets a different amount on the annual dues.

\*

Contract Addendum  
The English Chase

Covenants Running with the Land

The covenants and restrictions of the addendum to the contract will run with and bind the land, and shall be enforceable by the Developers, the Owners' Association, or the Owner of any lot in The English Chase, their respective legal representatives, heirs, assigns for a period of fifteen (15) years from the date of recordation of this Addendum, after which time said covenants shall be automatically extended for periods of ten (10) years, except by majority vote of the Owners' Association. The Owner of each lot in The English Chase is eligible for membership in the Owners' Association, and shall have one vote for each lot owned.

1. No lot shall be subdivided except by the Developers.
2. The Developers reserve the easements or rights-of-way over a strip of ground fifteen feet in width along and adjacent to the boundary lines of each lot for the purpose of installation or maintenance of public utilities, including but not limited to guy wires, transformers, meters, etc., by overhead transmission lines or underground installation, including the right to remove and/or trim trees, shrubs, or plants, or if any utility is now installed or exists, it shall be subject to easements as existing.
3. All buildings shall be set back at least 50 feet from any front, side, or rear lot lines, excluding porches, garages, carports, and storage sheds.
4. No home on any lot shall be constructed of less than 1,200 square feet, if one story, and 1,600 square feet if two stories, excluding porches, garages, carports, etc.
5. All home plans shall be subject to review by an Architectural Review Committee, composed of the Developers or their assigns.
6. No animals except horses, cattle, and household pets, and no hogs, chickens, or other fowl shall be kept or maintained on any lot, or any portion thereof, except with the express permission of the Developers or any Owners' Association hereafter created.
7. During the period of sale of the subdivision, not to exceed four years from date of recordation thereof, owners may place "For Sale" signs on the property using the same Brokers as the Developers, or by permission of the Developers.
8. During the period of sale of the subdivision, not to exceed four years from the date of recordation hereof, the Developers may use whatever land is not fenced off by any owner for grazing without fee, in order to keep said land from becoming overgrown and unsightly.
9. No lot owner shall erect barbed wire fencing on the front line or side lot line, back to the house line.

**ECLA TREE POLICY:**

- **Section 1.** \*\*The Board will have the authority to expend the necessary Road Maintenance Assessment Funds to clear the private roads (Woodward Road and Grasslands Court) of fallen trees and limbs. The fallen debris will be moved to the sides of the road. The roads will be cleared in a timely manner.
- **Section 2.** \*\*Trees or limbs that have fallen next to or been removed to the sides of the private roads (Woodward Road and Grasslands Court) but are not impeding ingress or egress will be the responsibility of the land owner .

**ARTICLE XII**

**QUORUMS & MOTIONS:**

- **Section 1.** A Quorum will exist at an annual or special Association meeting provided a majority of the votes in the Association are present by appearance or written proxy.
- **Section 2.** A Quorum will exist at a Board meeting provided a majority of the Directors are actually present at the scheduled meeting.
- **Section 3.** Any motion, other than motions specially addressed in the By-Laws, put to a vote at an annual, special Association or Board meeting will carry provided it receives a favorable simple majority of the votes cast.

**ARTICLE XIII**

**COVENANTS RUNNING WITH LOTS:**

- **Section 1.** Members of the Association are bound by the covenants running with their lots as stated in the Contract Addendum transferred to lot owners when each purchase was finalized with the English Chase Developer or previous owner.

**ARTICLE XIV**

**AUDIT COMMITTEE:**

- **Section 1.** The Board shall appoint three (3) Association members not serving on the Board to evaluate the Association financial books and condition and present their report to the general membership at the annual meeting.
- **Section 2.** The committee must be appointed sixty (60) days prior to the annual meeting and conclude their work for presentation at the annual meeting.

**ARTICLE XV**

**STATE REQUIREMENTS FOR CORPORATION:**

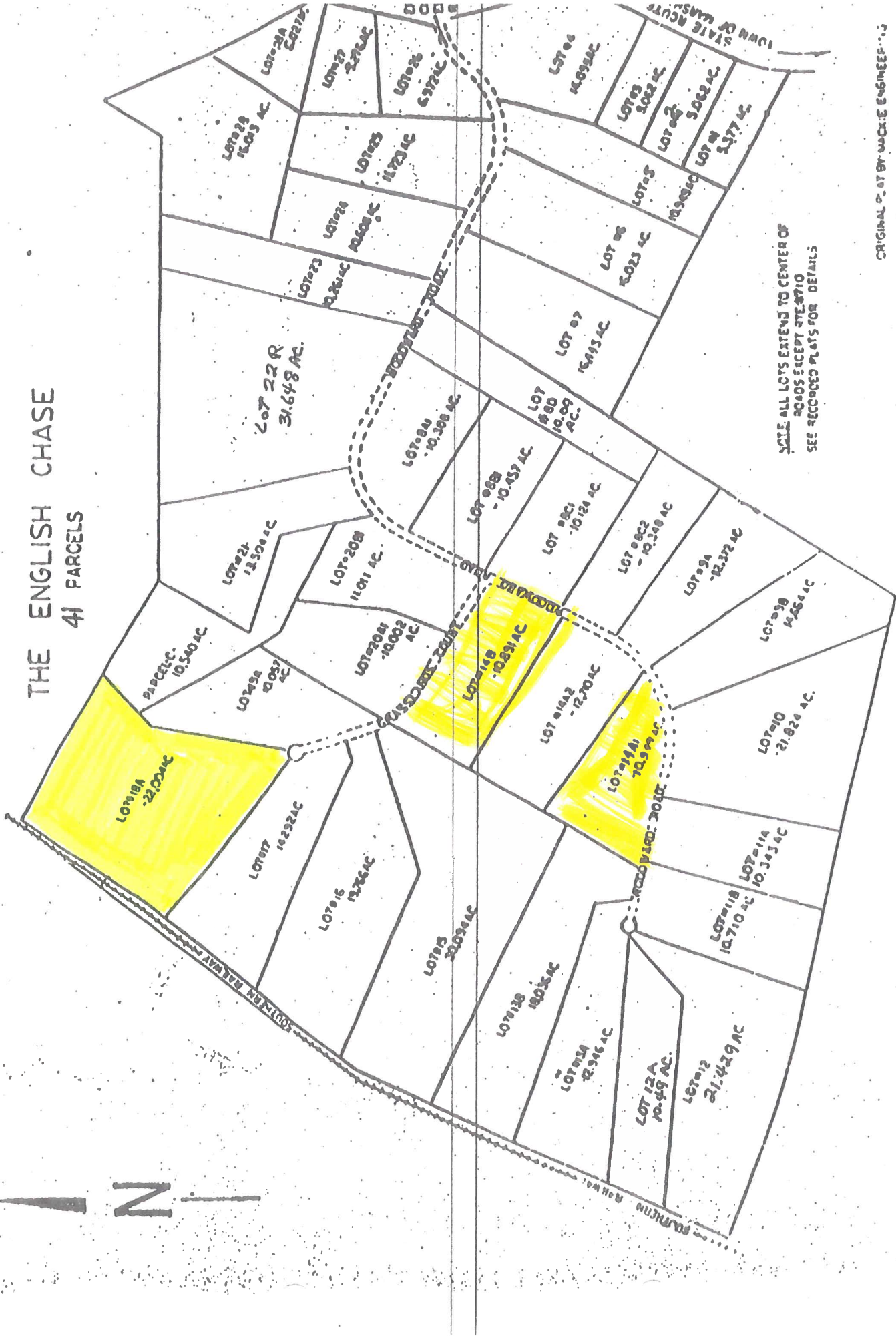
The Association Board of Directors will comply with any regulations for an incorporated non-profit association stipulated by the State of Virginia in the manner required.

**ARTICLE XVI**

**CONDUCT OF ASSOCIATION MEETINGS:**

The business meetings of the Association will be conducted according to Robert's Rules of Order. The Association Parliamentarian will rule on all questions of order which may arise.

# THE ENGLISH CHASE 41 PARCELS



ORIGINAL PLAT BY MACE ENGINEERS

10. Owners of lots fronting on or adjoining the 50 foot wide access road shall be assessed equally for road maintenance and repair. Assessments shall be paid quarterly, semi-annually, or annually into an escrow account established and administered by the Developers, and shall be due and payable no sooner than January 1, 1977, or pro-rata from any subsequent date of initial purchase of a lot. The maximum assessment per year shall not exceed \$150.00 per lot until any Owners' Association which may be hereafter created shall by majority vote increase or decrease said assessment. All assessments when made shall, if unpaid within 30 days, be and become a lien against the lot assessed, and shall bear interest at the legal rate. Any liens for unpaid assessments shall be automatically subordinate and inferior to the liens of first and second mortgages or deeds of trust of record. The developers shall assign and transfer any balance remaining in said escrow account to any incorporated Association which the Owners may create subsequent to January 1, 1977, or subsequent to the conveyance of the last lot owned by the Developers in The English Chase, whichever shall last occur.
11. In the event that the Developers or the majority of the Owners of lots in The English Chase which have been made subject to these covenants and restrictions shall determine to create an incorporated Owners' Association, then and in that event all Owners of said lots shall automatically be and become members of said Association and shall have one vote for each lot owned, except that the Developers shall have five votes in said Association for each lot owned by them.